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Phone:	571-273-0923	Pages:	2 (including cover sheet)
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Re:	Interview on 8/3 @ 3:30 pm	CC:	

Urgent       For Review       Please Comment       Please Reply

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**COMMENTS:****INTERVIEW AGENDA**

Summary of Agenda - None of the cited references disclose "drying organic matter to a dry solids content of at least 70% by weight total solids (TS) and subsequently pelletising the same" as recited in claim 1.

- Pelletizing Step -
  - The Examiner admits that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest a drying step but states in point (ii) of page 4 of the Office Action that drying is an obvious process step which does not alter the properties of the material and which is hence not inventive. A new reference (Fermentation and Biochemical Engineering Handbook) is recited in the Advisory Action which discloses the drying

step in section "17 Drying". From the introduction it is, however, not at all clear that such drying is to precede a digestion process. Rather, the first paragraph "1.0 INTRODUCTION" states that "the drying operation is often the FINAL STEP of a manufacturing process." This would imply that the dried product is NOT to be processed further in a digestion process.

- It would seem from the comments of the Examiner that the focus is completely on the drying of material, without giving any consideration to the fact that claim 1 also recites that the material is pelletized, and none of the cited references disclose the pelletizing feature of claim 1.
- Deficiencies of Fischer and Zhang -
  - While Fischer and Zhang indicate that basically any material could be digested, Applicants submit that there is no hint or indication to one skilled in the art that a dried and pelletised material as recited in claim 1 would provide any benefits to the processes of Fischer and Zhang.
  - Regarding the combination of Kanai, Fischer and Zhang, a person skilled in the art might be motivated to use some other types of farm waste when preparing the "juice like liquid" as taught by Kanai. However, it is unlikely that a person skilled in the art would consider to utilize, for example, "grains" as taught by Fischer (col. 3, line 17) or "rice straw" as taught in Zhang (see paragraph [0014]), because those materials would make the preparation of a "juice like liquid" very difficult. As such, Applicants submit that combining Kanai with Fischer and/or Zhang would not be obvious, because such a combination is likely to deteriorate the technical effects of the "juice like liquid" in Kanai.
  - See MPEP 2143.01 "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification". *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Conclusion - Neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest drying organic matter to a dry solids content of at least 70% by weight total solids (TS) and subsequently pelletising the same as recited in claim 1.